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In re Application of	:	
Sweeney et al.	:	
Application No.: 10/566,796	:	
PCT No.: PCT/US04/24718	:	
Int. Filing Date: 30 July 2004	:	DECISION
Priority Date: 01 August 2003	:	
Attorney Docket No.: PENN0870US.NP	:	
For: Bowman-Birk Inhibitor Compositions For Treatment :	:	
Of Muscular Atrophy And Degenerative Muscle Disease :	:	

This is in response to the correspondence filed on 09 November 2006.

### **BACKGROUND**

This international application was filed on 30 July 2004, claimed an earlier priority date of 01 August 2003, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 February 2006. Applicants filed *inter alia* the basic national fee on 31 January 2006.

On 09 June 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), an initial paper of compact disc copy of a sequence listing, an amendment directing its entry, and a copy of the sequence in computer readable form ("CRF").

### **DISCUSSION**

Counsel states that she has

carefully reviewed the application and respectfully disagrees that a Sequence Listing is required. There are no nucleotide and/or amino acid sequences disclosed in the instant application which require submission of a Sequence Listing. Reconsideration of this requirement is therefore respectfully requested.

Based on counsel's remarks, the requirements included in the Form PCT/DO/EO/905 mailed on 09 June 2005 pertaining to a sequence listing are hereby **WITHDRAWN**.

Applicants also submitted a declaration of inventorship on 09 November 2006. Inspection of this declaration reveals that it appears to have been assembled by adding a second page 3 of 4 to the document. Applicants' attention is drawn to MPEP 201.03, which explains in part that

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the

appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

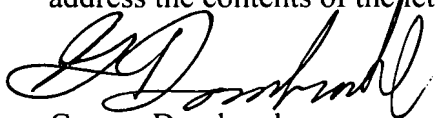
In view of this policy, it would not be appropriate to accept the declaration document filed on 09 November 2006 for purposes of compliance with 37 CFR 1.497(a) and (b). The declaration is also defective in view of the un-initialed alterations to the page signed by Mr. Morris.

### **DECISION**

The declaration is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time may **NOT** be obtained under 37 CFR 1.136(a). Failure to timely file a proper response (specifically, an acceptable oath or declaration) will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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